

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 2:11CR118

LINDA BALDUCCI

ORDER

Before the court are Defendant's Motion Requesting Intent to Use Other Crimes, Wrongs or Acts Evidence [19] and Motion for the Government to Disclose Expert Witness [20]. First, pursuant to Rule 12(b)(2) of the Federal Rules of Criminal Procedure and Rules 104(a) and (c) and 404(b) of the Federal Rules of Evidence, Defendant seeks an Order requiring the Government to give notice at least five weeks before trial of its intention to use other crimes, wrongs, or acts evidence at trial. The court agrees with the Government that Rule 404(b) requires only *reasonable* notice before trial and that what constitutes reasonable notice depends on the circumstances of each case. Nevertheless, the Government has failed to convince the court that Defendant's request for five weeks notice is unreasonable or that it would prejudice the Government in any way to give such notice of evidence it intends to use at trial. Accordingly, Defendant's motion is GRANTED without prejudice to the Government's right to present Rule 404(b) evidence it learns about *within five weeks of trial*. The Government shall promptly supplement its 404(b) notice after it verifies any new information and determines to offer it at trial.

With regard to Defendant's second motion, she states that pursuant to Rule 16, she "call[s] upon the Government to disclose any expert witness which it might rely upon at the trial of this cause." The court interprets this filing as a request directed to the Government pursuant

to FED. R. CRIM. P. 16(a)(1)(G), especially since the Government states that it “acknowledges the defendant’s request” and “will comply with Rule 16 should it determine that an expert witness will be necessary for the presentation of its case-in-chief in the trial of the [recent] Superseding Indictment.” Accordingly, because no action is required by the court, the instant “motion” is terminated.

SO ORDERED this 27th day of December, 2012.

/s/ Jane M. Virden
U.S. MAGISTRATE JUDGE